REMARKS

The Official Action mailed March 29, 2004, and the Advisory Action mailed August 13, 2004, have been received and their contents carefully noted. Filed concurrently herewith is a *Request for Two Month Extension of Time*, which extends the shortened statutory period for response to August 29, 2004. Also, filed concurrently herewith is a *Request for Continued Examination*. Accordingly, the Applicants respectfully submit that this response is being timely filed.

The Applicants note with appreciation the consideration of the Information Disclosure Statement filed on July 19, 2000.

Claims 1-25 and 29-37 are pending in the present application, of which claims 1, 4, 8, 10, 12, 15, 19, 21 and 23-25 are independent. Claims 1, 4, 8, 10, 12, 15, 19, 21 and 23-25 have been amended to better recite the features of the present invention. The Applicants note with appreciation the allowance of claims 10, 11, 21 and 22. For the reasons set forth in detail below, all claims are believed to be in condition for allowance and favorable reconsideration is requested.

Paragraph 2 of the Official Action rejects claims 1, 2, 8, 12, 13, 19, 23, 25, 29, 31, 32, 34, 35 and 37 as anticipated by U.S. Patent No. 5,812,109 to Kaifu et al. The Applicants respectfully traverse the rejection because the Official Action has not established an anticipation rejection.

As stated in MPEP § 2131, to establish an anticipation rejection, each and every element as set forth in the claim must be described either expressly or inherently in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Kaifu does not teach all the elements of the independent claims, either explicitly or inherently. The Advisory Action asserts that "Kaifu clearly discloses transistor switched pixel electrodes which read on Applicant's claimed pixel portions having an active device" (page 2, Paper No. 20080810). The Applicants respectfully disagree and traverse the above-referenced assertion in the Advisory Action. Initially, it is noted that

the claims of the present application do not recite "transistor switched pixel electrodes." Rather, the claims of the present application recite "a plurality of pixel portions each comprising an active device" or "a pixel portion comprising an active device." The Official Action relies on liquid crystal display element D11 of Kaifu to teach the pixel portion of the present invention and on TFT T11 of Kaifu to teach the active device of the present invention. However, as shown in Figure 4A, element D11 is shown to be confined to the region bounded by a bracket generally on the left side of Figure 4A, and TFT T11 is shown to be confined to the region bounded by a bracket generally on the right side of Figure 4A. Element D11 does not comprise TFT T11. Figure 3 also shows that element D11 and TFT T11 are distinct and separate from each other. Nothing in Kaifu teaches that TFT T11 be made a part of element D11 or that TFT T11 be moved so that it overlaps with element D11. Therefore, Kaifu does not teach a plurality of pixel portions each comprising an active device or a pixel portion comprising an active device, either explicitly or inherently.

Since Kaifu does not teach all the elements of the independent claims, either explicitly or inherently, an anticipation rejection cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 are in order and respectfully requested.

Paragraph 3 of the Official Action rejects claims 3-7, 9, 14-18, 20, 24, 30, 33 and 36 as obvious based on the combination of Kaifu and U.S. Patent No. 5,585,817 to Itoh et al. The Applicants respectfully traverse the rejection because the Official Action has not made a *prima facie* case of obviousness.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim

limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Itoh does not cure the deficiencies in Kaifu. The Official Action relies on Itoh to allegedly teach a top gate type TFT (page 8, Paper No. 20040310). However, Kaifu and Itoh, either alone or in combination, do not teach or suggest a plurality of pixel portions each comprising an active device or a pixel portion comprising an active device. Since Kaifu and Itoh do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,

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